

51



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,300	10/15/1999	PHIL-TAE KIM	P55862	1028

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EXAMINER
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ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 08/17/2004

35

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/419,300

Applicant(s)

KIM, PHIL-TAE

Examiner

Abbas I Abdulsalam

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 17 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17 and 24-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 31.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see # 34, filed 05/14/04, with respect to the rejection(s) of claim(s) 1-3, 17 and 25-43 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Otsuki et al. (USPN 5929932)

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 24-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (USN 5581685) in view of Otsuki et al. (USPN 5929932).

Regarding claims 1, 31 and 39, Sakurai teaches about displaying a menu, and submenu with area indicators. See Column 9, line 46-56, and Fig 13A. Sakurai teaches about displaying a menu in connection with menu items selection process (S4), and the process of loading and displaying a submenu (S11). Sakurai discloses an area indicator, which is increased or decreased by one for a display of submenu and for a display of previous menu respectively. See column 9, lines 47-57. Sakurai teaches an initial menu display as submenu 1, and discloses selecting submenu 1 (as shown by 11 in Fig. 5), which results in a next menu display showing a menu

Art Unit: 2674

selection (13). However, Sakurai does not teach automatically adjusting the area indicator to be located within the submenu. Otsuki on the other hand teaches when the button designated by the cursor is any one of the buttons 12 to 16 (YES in step 5), a corresponding sub-menu is displayed (step 6), and when the sub-menu is displayed, the cursor is automatically moved onto the sub-menu (col. 6, lines 47-54 and Fig. 3).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Sakurai's menu display system to adapt Otsuki's displaying of a sub-menu and the corresponding automatic movement of a cursor into a sub-menu as illustrated in Fig. 3 (5, 6). One would have been motivated in view of the suggestion in Otsuki that the automatic movement of the cursor into a sub-menu meets the desired automatic adjustment of the position indicator. The use of a cursor with respect to menu and submenu helps function a display controller as taught by Otsuki.

Likewise, it would have been obvious that the automatic movement of the cursor into a sub-menu is a statement that is functionally equivalent to the desired feature, "to automatically causing the pointer to move to the sub menu". It would have been obvious that the use of a display menu screen (2) along with the automatic movement of the cursor into a sub-menu meets the desired feature, "automatically having the location of the pointer on the display to kip to allocation within the submenu".

Furthermore, Otsuki teaches a menu screen (10) that is provided with a guide button (col. 6, line 24), and discloses that when a menu screen is displayed, a cursor is displayed (col. 6, lines 31-31). Otsuki teaches input section (205) that is composed of a keyboard or a remote

Art Unit: 2674

controller (Fig. col. 13, lines 56-65 and Fig. 19). It would be obvious to one skilled in the art that that Otsuki's remote controller could incorporate features such as trackball.

Regarding claim 2, Otsuki illustrates views (Fig. 5, Fig. 6, Fig. 7) showing sub-menus displayed when button (13, 14 15) respectively are designated by a cursor. Otsuki also discloses as mentioned above that when the sub-menu is displayed, the cursor is automatically moved onto the sub-menu.

Regarding claims 3, 38 and 41, Otsuki illustrates views (Fig. 5, Fig. 6, Fig. 7) showing sub-menus displayed when button (13, 14 15) respectively are designated by a cursor. Otsuki teaches reference numeral (5) denoting an operating section operated by a user to issue an operation command the example of which is a remote controller. Col. 5, lines 47-53.

Regarding claim 24, Otsuki discloses a storage device (109) storing an active screen judgment flag F for storing data indicating which of the menu screen and the program guide screen is active. The flag F is set ( $F=1$ ) when the menu key 111 is pressed, while being reset ( $F=0$ ) when the guide key 112 is pressed.

Regarding claim 25, Otsuki teaches a cursor for designating a program and scrolling the program guide screen is displayed on the program guide screen. See col.1, lines 38-40.

Regarding claims 26-28 and 32, Otsuki teaches Examples of selective items displayed on the sub-menu (17) including "MASTER", "LATEST", "CUSTOM1", "CUSTOM2", and "CUSTOM3" as shown in Fig. 4. Otsuki as mentioned above also teaches that when the sub-menu is displayed, the cursor is automatically moved onto the sub-menu, and it would be obvious to one skilled in the art that that Otsuki's remote controller could incorporate features such as trackball.

Art Unit: 2674

Regarding claims 29, 35-36 and 43, see Otsuki's Fig. 3 in which step (7) going back to step (2). In addition, Otsuki teaches that when the input section (205) being provided with a cancel button such that when the cancel button is operated in a case where the list display screen is displayed, the program is returned to the step (214) where the first letter selection screen is displayed again (col. 16, lines 16-19).

Regarding claims 30 and 37, Otsuki teaches an operating section (105) which is provided with a menu key (111) as illustrated in Fig. 13. Otsuki as mentioned above also teaches that when the sub-menu is displayed, the cursor is automatically moved onto the sub-menu

Regarding claim 40, see Otsuki Fig. 4 (12, 17)

Regarding claim 42, Otsuki a display controller with respect to television broadcasting system (see the abstract).

Regarding claims 33-34, Otsuki teaches entry means in connection with displaying a menu screen for performing various types of setting (col. 3, lines 31-37). Otsuki teaches a position where the cursor display takes place is changed by operating the cursor moving buttons (5a to 5d). See col. 6, lines 33-35.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (USPN 5648781) in view of Otsuki et al. (USPN 5929932).

Regarding claim 17, Choi teaches the use of a remote control method for performing remote controlling of a television in which menu icons having predetermined control contents are utilized. Choi teaches the use of main menu, submenu, and the cursor that are displayed on the screen of the television (col. 1, lines 48-57). Choi further teaches displaying the menu icons

Art Unit: 2674

and selecting the desired menu icon as well as displaying cursor on the screen and the cursor being initially displayed on a predetermined position of the screen according to the X, Y coordinates. See col. 1, lines 49-67. Moreover, referring to Fig. 3, Choi teaches a remote controller (50) including a trackball (54), a trackball movement sensing means (56) for sensing the movement of the trackball (54) as position shift value, a shift value data storage unit (58) for storing data with respect to the position shift values in advance, control commander (62) for selecting the menu icon which is displayed on the screen where the cursor is located, data generator (60) for generating the data corresponding to the sensed position shift value from shift value data storage unit (58) and transmitter (64) for coding and transmitting the data generated by data generator (60). Choi also teaches a television (52) including a receiver (66) for receiving the signal transmitted from the transmitter (64), menu display circuit (68) for displaying various menus of the television and the menu storage (70) for storing menus, submenus and control modes, a cursor display circuit (72) for displaying the cursor according to the movement of the trackball and content execution unit (74) for executing the function of the selected icon where the cursor is located. Chi does not teach the "indicator display unit causing the indicator to suddenly and automatically jump to a new location on the television display screen when the television display screen displays a different menu".

Otsuki on the other hand teaches when the button designated by the cursor is any one of the buttons 12 to 16 (YES in step 5), a corresponding sub-menu is displayed (step 6), and when the sub-menu is displayed, the cursor is automatically moved onto the sub-menu (col. 6, lines 47-54 and Fig. 3).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Choi's display television display system to adapt Otsuki's displaying of a sub-menu and the corresponding automatic movement of a cursor into a sub-menu as illustrated in Fig. 3 (5, 6). One would have been motivated in view of the suggestion in Otsuki that the automatic movement of the cursor into a sub-menu is functionally equivalent to the desired indicator. The use of automatic movement of a cursor helps control the display system of a television as taught by Otsuki.

### **Conclusion**

4. The prior art made of record and not relied upon is considered to applicant's disclosure.

The following art is cited for further reference.

U.S. Pat. No. 4,679,137 to Lane et al.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231



Application/Control Number: 09/419,300

Page 8

Art Unit: 2674

or faxed to:

**(703) 872-9314**

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

Art Unit 2674

08/3/04

  
**XIAO WU**  
**PRIMARY EXAMINER**